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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-third session

SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 August 1991, at 10 a.m.

Chairman: Mr. JOINET

later: Mr. HELLER

CONTENTS

Organization of work (continued)

The new international economic order and the promotion of human rights

(a) The role and equal participation of women in development

The realization of economic, social and cultural rights

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The meeting was called to order at 10.15 a.m.

ORGANIZATION OF WORK (continued)

1. The CHAIRMAN outlined the programme of work for the day.

2. Mrs. KSENTINI said that, as the Chairman of the Working Group on Contemporary Forms of Slavery, she wished to protest against the relegation of consideration of agenda item 16 to the end of the session, leaving little opportunity for an adequate debate on the important issues dealt with by the Working Group.

3. The CHAIRMAN replied that agenda item 16 would be considered immediately after the joint consideration of items 7 and 8.

THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS (agenda item 7)

(a) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT (E/CN.4/Sub.2/1991/59; E/1991/28)

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 8) (E/CN.4/Sub.2/1991/17, 18, 38 and Add.1, 47, 54 and 59; E/CN.4/Sub.2/1991/WP.3; E/CN.4/Sub.2/1990/NGO/2, 6, 7, 29 and 31; E/CN.4/Sub.2/1990/19)

4. Mrs. MBONU, introducing her working paper on the human rights dimensions of population transfer, including the implantation of settlers and settlements (E/CN.4/Sub.2/1991/47), recalled that in its resolution 1990/17 the Sub-Commission had recognized that population transfers or resettlements could have severe implications for the enjoyment of human rights. No action, however, was taken on the issue, except to agree to reconsider it in 1991. The purpose of her working paper was to suggest a focus and a possible objective for the discussion and for future work.

5. Since she was approaching the topic from the perspective of a person from a developing country, she had concentrated on population movements that resulted from large-scale development projects. While there were other kinds of population transfers, it seemed to her to be more practical to look at development projects, since most of them were planned or financed with help from United Nations agencies; if they had adverse consequences for human rights, it would be possible to do something about them by changing the latter's policies.

6. The Global Consultation on the Right to Development as a Human Right had recommended that every United Nations body and specialized agency should conduct itself as if it were a party to the human rights instruments. The United Nations should not finance or participate in activities that resulted in violations of human rights but should focus on activities that strengthened both human development and human rights. There was, however, very little communication between the Centre for Human Rights and the United Nations operational agencies.

7. In her working paper she proposed an experiment in bringing human rights into the work of United Nations development agencies through the development, in a further working paper or a report of the Sub-Commission, of a set of guidelines for the use of United Nations bodies and specialized agencies in reviewing projects which might involve population movements. It might also be appropriate to appoint a member of the Sub-Commission to undertake discussions with the agencies in question and to serve as an advocate of the necessary changes.

8. Recent experience of development projects had shown that large-scale resettlement involved great risks for the developing countries. It resulted in lower standards of living for all those concerned and it could intensify ethnic, social and political conflicts. Some of those problems were dealt with in the working paper. A wide variety of violations of human rights could be involved, especially of article 12 (1) of the International Covenant on Civil and Political Rights in the case of involuntary resettlement.

9. Population transfers had not benefited the developing countries in strictly economic terms. Large-scale projects had been a major cause of the debt burden, which had led to a further decline in living standards. In most cases, such projects had been sold to developing countries as a solution to their problems, but their implementation had simply caused more problems, the largest beneficiaries being construction companies and consultants in the industrialized countries. That was important to bear in mind, and she saw her proposal as an attempt to prevent United Nations agencies from continuing to encourage developing countries to undertake activities which caused greater economic, social and human rights problems for them. The aim should be to move United Nations agencies away from development strategies that created human rights problems towards strategies that genuinely advanced the human rights of the people involved.

10. Mr. TURK, introducing his second progress report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17), said that the story of human development was the greatest drama of contemporary mankind, but the question was whether it could be properly dealt with in the context of human rights, the underlying paradigm of which was perhaps too narrow and too specific. In his view, the answer to that question depended on how human rights were interpreted and on the ability of the human rights community to develop appropriate methodologies. The problems involved required a great deal of technical knowledge and economic and political will if they were to be solved. However, they also required a clear understanding of the norms and values which shaped, or which should shape, the development process, with the realities of which economic, social and cultural rights were directly linked.

11. In recent years the world had witnessed the demise of a development model based upon the idea of central planning, which had often been described as leading automatically to the realization of economic, social and cultural rights. That was now known to have been a myth, but it was not the only myth existing in the development field. The idea that market forces automatically took care of all developmental concerns was another myth, and indeed a very powerful one. Human rights standards were very helpful in challenging myths. It was the human rights record of the State which showed whether or not it was

democratic and whether or not it served its citizens properly in social and other fields. Standards for economic, social and cultural rights in the development process served precisely that purpose, although they were not the only components in the development context. The concept of the interdependence and indivisibility of human rights - whether economic, social, cultural, civil or political - had become, and should remain, the centrepiece of United Nations doctrine in the human rights field.

12. In its resolution 1990/16, the Sub-Commission had requested him to prepare a second progress report and to concentrate on two issues - the effects of structural adjustment on the realization of economic, social and cultural rights, and the role of international financial institutions in that process. Those two issues were closely interconnected, and problems relating to structural adjustment remained both the most important aspect of the circumstances in which economic, social and cultural rights were realized and the activities of international financial and development institutions had the most significant, and in many cases, the most adverse, effect on economic, social and cultural rights. Most of the second progress report had therefore been devoted to structural adjustment as it affected human rights.

13. Chapter I of the progress report contained an update of the discussion on indicators for measuring progress in the realization of economic, social and cultural rights. Indicators had been the central question discussed in the first progress report submitted in 1990. At that time there had been some hesitation as to the appropriateness of dealing with seemingly technical questions like indicators in the Sub-Commission's reports. Developments over the past year had removed such hesitations and showed that the seemingly technical or methodological issue of indicators had become central in the debate on future development patterns, a debate which might very well result in a relatively narrow and inadequate philosophy of development and in policies which could diminish the prospects of directing development processes along lines that would be beneficial to the realization of economic, social and cultural rights. The human rights community, and the Sub-Commission in particular, were thus faced with a very serious challenge. The time had come when the Sub-Commission must be able to deal with seemingly technical issues if it wished to play a significant role in the processes shaping the factual background against which human rights were realized.

14. Chapters II and III - on structural adjustment and on the role of international financial institutions, respectively - should be read together, since they related to two sides of the same issue: the effects of internationally supported adjustment programmes on the realization of economic, social and cultural rights. Chapter II provided an insight into 17 selected aspects of the interrelationship between structural adjustment and human rights. Paragraphs 124-166 might perhaps be of the greatest interest to the Sub-Commission, owing to the emphasis placed on the direct effect of structural adjustment on the realization of a cross-section of human rights as well as on those social groups which were most adversely affected by adjustment programmes.

15. Chapter III dealt with the role of the international financial institutions, notably the World Bank and IMF, from a specific angle. The emphasis was placed on the evolution which was taking place at present in the thinking of those institutions and on those elements which should be strengthened so as to make the policies pursued by them more comprehensive and more beneficial for the realization of economic, social and cultural rights. Although much criticism of the World Bank and IMF remained relevant, it would appear to be necessary to support those aspects of their evolving thinking which were considered useful for strengthening the possibilities of providing more efficient support for the realization of economic, social and cultural rights.

16. In some of its recent documents, the World Bank had defined a two-part policy approach to the problem of poverty which could, if properly developed and applied, represent an important contribution to the realization of economic, social and cultural rights and to the creation of new approaches to development. The approach would require broad-based economic growth and the provision of social services, especially in the fields of primary education, basic health care, family planning and nutrition, in order to improve people's living conditions and to increase their capacity to respond to the income-earning opportunities arising from economic growth. Policies based on such an approach had already proved to be successful and beneficial to the realization of economic, social and cultural rights, as well as in rendering outside assistance effective.

17. Another example of the recent evolution concerned IMF, which was becoming ever more aware of the need to support efforts to solve problems relating to the realization of economic, social and cultural rights. The present thinking involved more emphasis on the need to invest in "human capital", in particular in improving access to basic health care, education and other social services and the need to develop appropriate "social safety nets" to protect the most vulnerable population groups from the negative aspects of structural adjustment. Policies based on such considerations would certainly require an appropriate allocation or reallocation of resources. Such resources could be found by reducing unproductive spending, particularly military spending, and by allocating more funds to such areas as health and education, which, according to IMF, were manifestly more productive in the strictly economic sense, not to mention the important human values involved in them, than those that financed prestige projects or overblown military activities.

18. The current evolution of policy-related thinking called for a more active role by the United Nations human rights bodies. In his preliminary recommendations, he had explained some of the possibilities. Among them he wished to emphasize the idea that the human rights bodies should suggest to the development and finance agencies certain policy guidelines which would help those institutions to incorporate human rights concerns and, more specifically, concerns relating to the realization of economic, social and cultural rights, in their overall policies. The Sub-Commission might wish to request, for the next session, a preliminary draft of such guidelines and to consider in some detail the usefulness of that approach. If appropriately designed, the guidelines might, in fact, represent a new type of international instrument, specifically adjusted to the need to realize economic, social and cultural rights.

19. In conclusion, he pointed out that the precision and specificity of policy guidelines referred to in his report, as well as the meaningfulness of the Sub-Commission's contribution to realizing economic, social and cultural rights, partly depended on the ability to deal with indicators. There was an even more pressing need for attention to indicators. After finishing his progress report he had received the most recent UNDP Human Development Report 1991, containing a "Human Freedom Index" to supplement the earlier "Human Development Index". Both those sets of indicators raised serious human rights questions: the criteria used suffered from arbitrariness, lack of consideration of international legal standards in human rights and the disregard of international treaty-based bodies in human rights. He wondered why the authors had disregarded the work of United Nations bodies in the field of human rights and of the Centre for Human Rights, and why UNDP had not consulted the Centre for Human Rights in preparing its report. He also wondered whether the Sub-Commission and other human rights bodies had done enough to make other United Nations bodies understand the developments in human rights and whether they had paid enough attention to the methodological problems involved in making a meaningful connection between human rights standards and aspirations on one hand and the economic and social reality of the world on the other.

20. One opportunity to improve the Sub-Commission's work in that regard had resulted from his previous report: the Commission on Human Rights had agreed to convene, on the basis of pertinent recommendations by the Sub-Commission, an expert meeting on indicators, bringing together the technical experts from different parts of the United Nations system to discuss how to assess the implementation of economic, social and cultural rights. He had circulated a working paper (E/CN.4/Sub.2/1991/WP.3) containing some ideas for consideration of the issue of indicators, and intended to offer it, with annexes, to the Centre for Human Rights as an input for the seminar on indicators. He drew attention to his proposals for criteria that had to be respected if the debate on indicators was to be meaningful (para. 7), including the need for compatibility and consistency of indicators with the human rights standards developed in the United Nations. He had also proposed criteria for methodological acceptability of indicators (para. 10), for discussion at the expert seminar, and had made suggestions for the agenda and goals of the seminar (paras. 13 and 14).

21. He hoped that the debate in the Sub-Commission would help him to develop an approach to the preparation of his final report.

22. Mr. GUISSE thanked Mr. Türk for his in-depth analysis of the importance of economic, social and cultural rights, and Mrs. Mbonu for her introduction to her working paper (E/CN.4/Sub.2/1991/47) on the sensitive question of population transfers. He requested that agenda item 8 might be taken up during the first half of the Sub-Commission's next session.

23. In 1966, when the United Nations had made a distinction between civil and political rights on one hand and economic, social and cultural rights on the other, it had not intended to establish a hierarchy but to provide more effective mechanisms for the implementation of those rights. The 1968 Tehran Conference had seen the danger of that distinction and had wanted to fuse those rights in the same crucible. Human rights should be considered

together, since they were all inherent in the human species. The relationship between them was so close that it was impossible to respect and implement them selectively. In the developing countries the confiscation by ruling authorities of civil and political rights was indistinguishable from that of economic, social and cultural rights. Some had argued that no right existed without an economic base. Deprived of economic rights the individual could not effectively exercise his civil and political rights under international law.

24. The present economic situation of the developing countries and the general configuration of the world economic order offered no hope of improvement for a long time to come. Since the advent of independence in the 1960s, the developing countries, instead of progressing economically, had regressed to the point where some economists said that they were on the road to underdevelopment. The proof was that developing countries were crossing the threshold of absolute poverty in ever-increasing numbers. The poor were becoming poorer, the rich, richer. The international financial institutions, whose primary mission was to balance the world economy to everyone's advantage, had instead aggravated the existing imbalance. Debt and its consequences, as well as structural adjustment, were tarnished terms, and had served only to magnify the misery of human beings living in developing countries. The means of production were decreasing daily; companies were closing by hundreds; unemployment had reached high levels; schools were closing; hospitals were becoming places to die; criminality and the prostitution of women and children was increasing. Malaria, AIDS and natural disasters such as flooding and drought, which those countries could neither prevent nor guard against, further aggravated the situation. Worst of all there was no glimmer of hope on the horizon: prevailing practice in the world continued to weaken developing economies. Resources were not wanting, but those who had them preferred to use them for purposes that had nothing to do with human material and moral well-being.

25. As an example, he cited the immense sums spent in the Gulf war, which would have helped developing countries to bring their populations out of poverty. Unproductive investments caused damage incompatible with the implementation of the human rights of the individual. Resources had been used for the massacre of innocent victims in the Gulf countries; the international community had managed to evacuate Kuwait but had lost sight of the situation of the people living in that region, currently a scene of summary executions, prosecution of the vanquished and the continued sufferings of a whole people. The riches made available by nature and human intelligence had so far served only to create and use instruments of mass destruction. Speaking before the General Assembly, Abdou Diouf, the Chairman of OAU, had said that 5 per cent of the military budgets of developed countries could have enabled two-thirds of the world's population to emerge from poverty.

26. The present world economy order was a synonym of injustice of which the developing countries were victims. It was now high time to start combating that injustice, of which the problem of migrant workers and asylum seekers was one of the consequences. It had to be realized that it was impossible to maintain poverty and opulence side by side. Poverty had to be eliminated; if not there would be misery for all.

27. Mr. ZHAN, thanking Mr. Türk for his useful work in the realization of economic, social and cultural rights, observed that Mr. Türk's progress report (E/CN.4/Sub.2/1991/17) and working paper (E/CN.4/Sub.2/1991/WP.3) had both referred to the problems in relation to the use of indicators in monitoring economic, social and cultural rights. Indicators sometimes distorted the real situation: the UNDP Human Development Report 1991 had included a list ranking countries according to the Human Freedom Index, in which China and some other countries had been ranked below South Africa. Such a list, which had been compiled using inappropriate indicators, lacked credibility. Another example was a world human rights guide, written by Western scholars, classifying human rights under various headings. "Homosexuality between consenting adults" appeared under "personal rights". Homosexuality had been established as a main factor in the transmission of AIDS: if developed countries wished to disregard the health of their own populations by legislation to protect homosexuals, that was their ow affair; but to use freedom for homosexuals as an indicator of personal human rights was groundless. The aim was to protect human rights, not to spread AIDS.

28. The use of indicators was very complex and required caution. A study of essential indicators of human rights was justified in order to prevent the formulation of harmful indicators. He recommended that Mr. Türk should include in his reference materials the book Challenge to the South published by the South Commission headed by former President Nyerere of Tanzania, which contained many relevant recommendations.

29. Mr. VERGNE SABOIA said that the realization of economic, social and cultural rights was of paramount importance for the improvement of human rights in the world. Those rights did not exist in a vacuum: without reasonable living standards and the fulfilment by the State of its obligation to protect vulnerable social groups and promote development with social justice, the political and judiciary institutions, essential guarantees for the whole spectrum of individual rights, were threatened by violence and instability. Thus, the majority of situations of human rights violations occurred in countries facing serious social and economic problems.

30. In a world professing universal concern for human rights, the same priority should be given to the realization of economic, social and cultural rights as to civil and political rights, of which they were an essential and inseparable part. Article 28 of the Universal Declaration had proclaimed the right of all to a national and international order in which human rights could be enjoyed. It was therefore a duty of all countries to cooperate for the improvement of the observance of economic, social and cultural rights. Bearing that in mind he congratulated Mr. Türk on the careful analysis in his progress report (E/CN.4/Sub.2/1991/17) of the current trends of thinking and practice on how to interrelate international activities and efforts concerned with development with those addressing human rights. He shared the generally favourable evaluation which Mr. Türk had given regarding developments within the United Nations system towards the introduction of indicators in their activities, and agreed with him that in spite of the great importance of the concept of "human development", attention had to be paid to the growing disparities in income levels both within countries and between countries (para. 31). Failure to address that serious problem meant that some countries

would simply concern themselves with the most basic needs of their people, while the benefits of progress in science, technology and other fields remained the preserve of a small group of countries.

31. Indicators would probably be very useful for the Committee on Economic, Social and Cultural Rights; however, he doubted whether their inclusion could be made mandatory in a meaningful way for States parties. With regard to paragraph 42 (b) of Mr. Türk's report he thought that there should not be, prima facie, any question regarding the objectivity of indicators provided by States. Attempts at manipulation might occur, but would not be difficult to uncover by comparison with data from other sources.

32. He welcomed the Special Rapporteur's list of some of the basic postulates that should be central to issues of economic growth and planning, and stressed the reference to the multidimensional character of the legal obligations concerning the realization of economic, social and cultural rights, which engaged not only national and local Governments and agencies, but also third parties capable of breaking those norms. That included private enterprises, which in the modern economic environment were an important factor affecting the realization of economic, social and cultural rights. The Special Rapporteur might also consider how to include the participation of private enterprises in studying the question. The international community of States and the intergovernmental organizations and agencies also had obligations in that regard.

33. He shared the Special Rapporteur's conclusion that the World Bank and the IMF had an obligation to consider the human rights implications of their programmes, particularly those concerning structural adjustment policies, and noted that some of the practices, projects and policies pursued by those institutions had led to a variety of human rights problems.

34. Paragraph 56 of the progress report contained a dramatic account of the effect on social and economic indicators of the combination, during the last decade, of economic recession and policies of structural adjustment. As the Special Rapporteur had said, external factors were at least as responsible as purely domestic ones for the situation the developing countries were facing. The report had noted some progress in World Bank and IMF policies towards introducing human rights concerns in designing the terms of specific adjustment programmes (para. 80); however, much remained to be done before those concerns found their proper priority in the policies of those institutions. It had also been observed that donor countries, whenever they included human rights concerns in their assistance programmes, tended to emphasize civil and political rights to the detriment of economic, social and cultural rights.

35. Privatization had become one of the key aspects of structural adjustment policies fostered by international financial institutions. Although it was true that the attempts by the State to control the economy had often resulted in inefficiency, there should not be excessive optimism about the short-term impact of the free market on the enjoyment of economic, social and cultural rights. He endorsed the Special Rapporteur's view regarding the need for

continuing and improved State participation, especially in poor and developing countries, to ensure that social considerations and protection of vulnerable groups was not neglected.

36. Chapter III of the progress report contained an analysis of current trends in the policies of the World Bank and IMF with regard to economic, social and cultural rights; it was important to include in the programmes of those institutions consideration of appropriate fiscal policies directed to promoting social change and the elimination of poverty.

37. Finally, he supported Mr. Türk's preliminary recommendations, stressing those regarding the preparation of basic policy guidelines on structural adjustment and economic and cultural rights, as well as the possible appointment of a Special Rapporteur to study the role of international financial institutions in the realization of economic, social and cultural rights.

38. Mrs. WARZAZI said that recent experience had illustrated the difficulty of basing a fully fledged democracy on a ruined economy which needed urgent practical assistance rather than fine words. The growth crisis and the slow death of the developing countries would give rise not to democratic international political and economic relations but to a growing gulf between North and South unless a just and balanced solution was found to the current situation; that point had been illustrated by the Sub-Comission's study on extreme poverty.

39. She endorsed the views of the Special Rapporteur expressed in his working paper (E/CN.4/Sub.2/1991/WP.3). She hoped, however, that all the reports prepared not only by Mr. Türk but also by other members of the Sub-Commission would be available to the Sub-Commission at its next session as a matter of priority.

40. Mr. Türk's working paper was very timely coming as it did shortly after publication of the UNDP "Human Freedom Index" as part of its Human Development Report 1991. She supported several of Mr. Türk's recommendations, in particular, paragraph 7 (a) to the effect that any attempt at using indicators as a means of measuring or assessing human rights must be based on and be consistent with the rights contained in, inter alia, the International Covenants on Human Rights. She also shared Mr. Türk's concern, expressed in paragraph 12, regarding the non-universal nature of many indicators. That comment was very important as it confirmed the serious danger to the universality of human rights when institutions of a strictly economic character went beyond their mandate in order to deal with issues which were in no way within their competence, possibly leading to interpretations contrary to those developed by the specialized bodies with specific responsibility in that field. That trend was illustrated by the approach of UNDP which had departed from its mandate in order to introduce a so-called "Human Freedom Index", which it was not in a position to evaluate. In its 1990 and 1991 reports, UNDP had introduced some strange concepts which had led to unacceptable definitions and assumptions.

41. UNDP had argued that the ending of the cold war would free resources for enhanced human development but did not say that to date nothing had been done and that the end of the cold war could on the contrary represent a threat to the countries of the third world which could be inundated by a formidable arsenal of conventional weapons which could encourage internal and regional conflicts, the source of so many violations of human rights. The great Powers wished to establish a code of conduct but it should not be forgotten that in 1990, according to a World Bank report, dated July 1991, global military expenditures had exceeded $100 billion.

42. UNDP might also bear in mind that, since 1983, there had been a net transfer of $100 billion from the poor countries of the South to the rich countries of the North. Such problems and their causes should be given priority attention by the Administrator of UNDP.

43. Moreover, far from placing responsibility for the poverty of the developing countries on the developed countries, the UNDP Human Development Report 1991 had pointed an accusatory finger at the developing countries themselves for their situation and in addition had developed a monitoring device in the shape of a list of acceptable human rights, including the rights of homosexuals. The contents of the list demonstrated clearly that only Western values had been used in the construction of UNDP's human rights indicators.

44. The UNDP report had emphasized the problems of methodology which it had met in the process of elaborating its indicators; that was not surprising as UNDP was a novice in the area and had not even consulted other United Nations agencies with specific responsibilities in that field. It had not however hesitated to draw up a list of 88 countries arranged hierarchically in accordance with Western values.

45. The proposed seminar should represent the first step towards practical action vis-à-vis the use of indicators in the United Nations human rights programme. UNDP should be invited to the seminar but only as an observer.

46. In conclusion she welcomed the valuable contribution by a number of non-governmental organizations and hoped that such cooperation would be expanded further both at the local and national levels.

47. Mrs. KSENTINI welcomed the report by Mr. Suescún Monroy on the method and plan of work for the study on human rights and extreme poverty (E/CN.4/Sub.2/1991/18). The subject of the study was very important in that it would enable the Sub-Commission to define the impact of extreme poverty on human rights in a number of countries. There was no question that underdevelopment and extreme poverty hindered the development of all human rights.

48. Mrs. Mbonu's working paper (E/CN.4/Sub.2/1991/47) on human rights dimensions of population transfer, including the implantation of settlers and settlements dealt with a complex multi-faceted subject. The working paper was a first attempt to tackle an issue which continued to have a major impact on the enjoyment of human rights.

49. She welcomed Mr. Türk's second progress report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17) and shared his view regarding the importance of the impact of structural adjustment on the realization of economic, social and cultural rights. She agreed with his conclusions and hoped that he would continue his analysis of the role played by international financial institutions in his final report.

50. There had been a change in recent years in the policies of the World Bank and IMF in that they had begun to take into account the side-effects of structural projects. That trend should be encouraged. The Special Rapporteur might usefully consider the direct impact on human rights of the practices as well as the policies of the international financial institutions. There was a need to expand the analysis of the direct effect of structural policies on human rights.

51. The full implementation of the recommendations would require additional resources; those resources might be obtained by decreasing unnecessary expenditure in other areas, particularly the military. It would be unrealistic however to ask the developing countries to make a special effort in that field when similar efforts were lacking elsewhere in the international community. The extent to which international relations would make it possible to limit military expenditure must be seen in the overall international context. There was a need for a greater effort to make United Nations human rights instruments more effective and the appropriate criteria and guidelines required further examination.

52. At the previous session she had expressed doubts about the possibility of establishing indicators in the field of human rights because of wide variations in, for example, human factors, different regional and cultural values, and diverging economic conditions; moreover, available information might not be as reliable as might be wished. Since then the same problem had been raised in the UNDP Human Development Report 1991 but she wished to stress that the report had been rejected by the majority of developing countries.

53. She shared Mr. Türk's concerns about the arbitrary use of indicators and regretted that UNDP had not approached the Centre for Human Rights for input and had not taken universal standards into account. She nevertheless considered that UNDP's experience could be regarded as a starting point and hoped that the forthcoming seminar to discuss appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights would have positive results.

54. She agreed with the general principles set out in paragraphs 6 and 7 of Mr. Türk's working paper (E/CN.4/Sub.2/1991/WP.3) but saw difficulties in the way of getting reliable information. She felt that paragraph 7 (a) of the working paper might well refer to additional international instruments.

55. Mr. YOKATA said that he had at one time served in the Legal Department of the World Bank and had developed a deep interest in the topic of development and human rights. In that connection, he would like to draw attention to three points for future consideration by the Special Rapporteur and by the Sub-Commission.

56. The World Bank was a development assistance agency which had two characteristics relating to the topic under consideration. It made loans on which interest was payable as distinct from the International Development Association which provided credit on more lenient terms. The World Bank was constrained by its Articles of Agreement. The second characteristic was that in making loans, the World Bank should not take any political considerations into account. The question then arose as to whether human rights represented a political consideration.

57. In his view there were three different types of relationship between development assistance and human rights. The first related to the human rights implications of development projects. Dam construction projects might have human rights implications because they might involve the eviction of local inhabitants. Implications could of course be positive as well as negative. A second issue related to conditionality through insistance on the need to improve human rights protection as a condition of obtaining a structural adjustment loan. That was a delicate and controversial issue in view of its implications for State sovereignty. Governments might however be informed that an enhanced human rights effort might improve the prospects for obtaining a loan. Human rights could therefore become part of the element of conditionality. The World Bank had not yet gone into the feasibility of having specific human rights projects or human rights components of a project. Examples could be projects to assist the education of women and minorities.

58. He agreed completely with the view expressed by Mr. Türk in paragraph 10 of his second progress report (E/CN.4/Sub.2/1991/17) regarding the creation of offices which would have the task of relating indicators and activities to human rights concerns in the World Bank and other financial institutions. In that connection he wished to mention that there were other development assistance institutions apart from the World Bank, IMF and UNDP, for example the regional banks such as the Inter-American Development Bank, the Asian Development Bank and the African Development Bank. There were also bilateral assistance agencies which were a major factor and had not been mentioned in the report.

59. Mr. SACHAR said that he shared the concerns of previous speakers that some of the criteria proposed by UNDP were out of touch with realities in Africa and Asia. In India for example it would be pointless to condition a decision on whether or not gays or lesbians were given public recognition. The emphasis should be on the needs of the very poor as, for example, in India where there were gross inequalities in living standards. The point should be whether or not such inequalities were being reduced. It would be important to try to develop indicators of inequality.

60. He shared the concern of the Special Rapporteur in paragraph 56 (f) of his report (E/CN.4/Sub.2/1991/17) at the fact that the net transfer of resources to the developing countries had turned from a positive flow of nearly $43 billion annually in 1981 to a negative flow of nearly $33 billion in 1988. In that context the comment of the Special Rapporteur in paragraph 89 to the effect that commodity prices were now at their lowest level since the 1930s was particularly relevant.

61. On the issue of conditionality, a basic demand was that for the liberalization of the economy, the practical effect of which was to allow any kind of foreign goods to be dumped in the country irrespective of the impact on living standards and the economy. The concept of a free market was a myth; since deregulation in the United States and Japan millions of dollars had been lost daily by fraud and other corrupt practices; in the savings and loans case in the United States, depositors had been defrauded of large sums of money and home-owners had lost their life savings. Even the largest banks had been cheating.

62. He shared the concern expressed on the subject of privatization, but was also worried about competition between Asia and Europe. With the political changes in Eastern Europe, most of the international funds available would be allotted to that region rather than to the developing countries which so badly needed basic infrastructure. In his own country, for instance, two thirds of the villages, where 70 per cent of the population lived, had no proper drinking-water supplies and women spent their entire working day fetching water. If the drinking-water problem was tackled by world bodies, that would be a great achievement for human rights.

63. Mr. FLINTERMAN, commenting on the issues of housing rights and transfer of population in Mr. Türk's report (E/CN.4/Sub.2/1991/17), said that he fully supported the work done by Mr. Türk on the subject of indicators, which was most timely in view of developments in UNDP and other agencies. Inter-agency coordination was therefore essential. The planned seminar and the proposed agenda would provide a sound basis for coordination. He doubted, however, whether it would be possible to have an agreed inter-agency list of indicators closely related to human rights, but that certainly presented an intellectual challenge. He suggested that the items discussed during the seminar should include the potential usefulness of indicators for the standard-setting and monitoring activities of the Sub-Commission and the Commission on Human Rights, especially since the indicators seemed to be quantitative rather than qualitative.

64. Mr. Türk's progress report had opened up a range of issues requiring further examination. The study made a critical but perhaps not sufficiently critical analysis of the adverse impact of adjustment measures on human rights. It was well known that the World Bank and IMF determined the direction of the world economy and hence the conditions in which people had to live. The Sub-Commission should acknowledge the important role of both institutions and encourage them to take into account the human rights implications of their work.

65. He welcomed Mr. Türk's efforts, looked forward to his final report, and supported his recommendations particularly those concerning further United Nations action on adjustment and human rights, including the drafting of policy guidelines on structural adjustment and economic, social and cultural rights.

66. Mr. Türk had examined the right to adequate housing, which had clearly been adversely affected by structural adjustment policies. The Committee on

Economic, Social and Cultural Rights and various non-governmental organizations were placing increased emphasis on that right, which he suggested should be an area for future activity by the Sub-Commission.

67. Mrs. Mbonu's working paper (E/CN.4/Sub.2/1991/47) provided very useful views on population displacements resulting from recent development and construction projects and touched upon a number of other subjects, including some general human rights considerations. He was sure that Mrs. Mbonu would agree that there were other aspects of population transfer upon which she had not focused, including the implantation of settlers and settlements, particularly in occupied countries or territories, the impact of population transfers on the survival of cultures and the national identity of peoples and the impact on the right to self-determination. Further discussion of population transfers should also include the motivation and legality of the practice.

68. In future work on the issue, the Sub-Commission should bear in mind the overall perspective and ramifications of the subject.

69. Mr. Heller took the Chair.

70. Mrs. MBONU said that she attached great importance to the Sub-Commission's continued examination of obstacles impeding the realization of economic, social and cultural rights and to its continued endeavours to find ways of eliminating those obstacles. It was no coincidence that persistent violations of those rights occurred in the developing countries, for there was a close link between the enjoyment of human rights and the level of economic development in a country.

71. The right to development was fundamental and inalienable. It was central to the full realization and enjoyment of all human rights, civil and political as well as economic, social and cultural. The relationship between development and human rights could hardly be over-emphasized.

72. A number of factors had severely impeded the enjoyment of economic, social and cultural rights and had posed serious obstacles to the implementation of the Declaration on the Right to Development. The most serious were the debt crisis, the deteriorating terms of trade, trade imbalances resulting from protectionism in the North, poverty and the structural vulnerabilities of an inequitable international economic order.

73. The debt burden was one of the most serious barriers to development and consequently to the enjoyment of human rights. The debt of the developing countries had now exceeded $1 trillion and was still growing. In paragraph 56 of his report (E/CN.4/Sub.2/1991/17), Mr. Türk had listed the extent and nature of the problem brought about by the structural adjustment programme imposed by the IMF and the World Bank. In paragraph 90 et seq. of his report, Mr. Türk showed that structural adjustment was not successful and highlighted the interdependence of structural adjustment and human rights.

74. In his report (E/CN.4/Sub.2/1991/18), Mr. Suescún Monroy listed 10 causes of poverty including backwardness, dependency, explosive population growth, illiteracy, low-living standards and crises in national economies. He had

described poverty as an anachronism unworthy of modern society. She agreed with his statement that combating poverty was essential if democracy was to work properly and human rights were to be properly upheld. It was not enough for developed countries to call upon developing ones to promote the enjoyment of their citizens' human rights when such countries were subjected to the heavy burden of the debt crisis.

75. In fact, she wondered how persons from the developed countries could state that civil and political rights were the main rights necessary for the enjoyment of human rights. Could a country facing incessant demonstrations because of the introduction of the bitter pills of the International Monetary Fund be expected to promote the principles of human rights as contained in the International Bills of Human Rights? The enjoyment of economic, social and cultural rights could not be separated from that of political and civil rights.

76. Another obstacle confronting some countries in ensuring the realization of economic and social rights was the negative transfer of resources as a result of debt service obligations. The debt service ratio of many African countries constituted as much as 35 per cent of their total export earnings. That was a great burden for countries with meagre incomes and resources, declining standards of living and a severe economic crisis. According to World Bank sources, the negative transfer of resources from developing countries to the industrialized countries of the North had totalled approximately $US 40 billion in 1990.

77. Compounding the debt crisis was the worsening problem of extreme poverty. According to the latest report on poverty by the World Bank, 1 billion people in the world lived in poverty, primarily in Africa, south-east Asia and other parts of the developing world.

78. In his report, Mr. Suescún Monroy described those people as the hardest-hit minority of present times, dispossessed of the benefits of the land, society and the State, and by that token rendered unable to act and exercise their rights as others could. In paragraphs 22 to 31 he had tried to provide some solutions that could be embarked on at national and international levels, and suggested that the poor themselves should play a participatory role. If the political will existed to carry out some of those suggestions, especially at international level, progress would be made towards eradicating the problem of extreme poverty.

79. She suggested that the international community should call for realistic consideration of proposals to deal with the debt crisis, including the conversion of some percentage of the debt into grant, easier terms of repayment, and outright cancellation in the most serious cases. The developing countries required more resources and increased aid flows and technical assistance to facilitate their continuing efforts to achieve self-sustaining economic growth. Many of those countries should try to eliminate mismanagement, corruption and bad government. Greater realization of economic, social and cultural rights would ensure stable democratic government which in turn would ensure greater international peace and security.

80. Mr. EIDE said that economic and social rights were more important today than ever. Their promotion did not require authoritarian systems with a

command economy; such systems tended to slow down the realization of economic and social rights and violated civil and political ones. The resurgence of open and pluralistic democracies would lead to a better realization of economic and social rights, but open democracies alone were not sufficient to ensure the rights of all. He hoped that those countries that had done away with a command economy would recognize the importance of the whole range of human rights.

81. Mr. Türk's progress report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17) was far-reaching and well-developed. He shared the concern expressed by Mr. Türk in his working paper (E/CN.4/Sub.2/1991/WP.3) about the use of indicators. The so-called "Human Freedom Index" introduced by UNDP was an interesting experiment but had some weaknesses. In that connection he agreed with Mr. Türk and Mrs. Warzazi on the need for respect for universality of human rights. A dialogue with UNDP should be pursued by Mr. Türk so as to ensure that indicators conformed to the criteria he had drawn up in paragraph 7 of his working paper.

82. Mr. Türk's analysis of the current thinking of international financial institutions was very interesting, and it would be useful to develop a dialogue between the Sub-Commission and those institutions since there were clear overlaps between development and human rights.

83. He endorsed Mr. Türk's recommendations in paragraph 230 of his report (E/CN.4/Sub.2/1991/17) concerning the need to draft basic policy guidelines on structural adjustment in regard to economic, social and cultural rights. He endorsed Mr. Türk's approach to the subject in general and hoped that he would be given support to carry his study forward.

84. He congratulated Mrs. Mbonu on her initiative in preparing a working paper on the human rights dimensions of population transfer (E/CN.4/Sub.2/1991/47). He endorsed her recommendations and thought that the Sub-Commission should draw upon her work, broadening its perspective to cover other relevant issues, and eventually evolving a monitoring system to examine resettlement schemes carried out in different parts of the world.

85. Mr. Suescún Monroy had initiated work on a very important subject in his report entitled "Method and plan of work for the study on human rights and extreme poverty" (E/CN.4/Sub.2/1991/18). He supported Mr. Monroy's proposals and hoped that ways would be found of carrying his work forward, in cooperation with that of Mr. Türk.

86. A problem occasionally discussed in the Sub-Commission but not given sufficient attention was the withholding of food in time of conflict. The issue had been discussed by the Sub-Commission in 1990 in the context of developments in the Gulf. He believed that the issue, which had arisen in a number of conflicts including those in Ethiopia and Sudan, should be addressed from a broader perspective. The Sub-Commission had been apprised of the concern of UNICEF at the effects on children in Iraq. However, merely lifting sanctions did not necessarily ensure that supplies reached those in need. He therefore welcomed the decision of the Security Council on 15 August to establish a mechanism to deal with the matter. None the less he believed that

the Sub-Commission should deal with the question as a specific problem both in connection with the issue of economic and social rights and particularly with that of extreme poverty. It was the poorest sectors of society that were affected by the withholding of food, since some food was always available on the black market for those who had money.

87. Mr. Joinet resumed the Chair.

88. Mr. DESPOUY congratulated Mr. Türk on his excellent report (E/CN.4/Sub.2/1991/17) and thanked Mrs. Mbonu for her working paper (E/CN.4/Sub.2/1991/47).

89. In connection with the realization of economic, social and cultural rights, he wished to draw attention to recent developments within the United Nations on the important problem of corruption by government officials. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Havana, in August-September 1990 had established that problems of corruption in public administrations were universal and that, although they had particularly deleterious effects on vulnerable economies, those effects were felt throughout the world. It had also been established that corruption had become a transnational problem because it was linked to the illegal arms trade, drug trafficking and the laundering of drug money. An international convention on corruption in government was currently under study by the Inter-Parliamentary Union.

90. As a result of corruption in government, the economies of several countries which had returned to democracy including Haiti and the Philippines had been almost ruined. There was the problem of recovering money placed in foreign banks and problems of extraditing those responsible. In that connection, the Sub-Commission should also consider the question of impunity, which was linked to the realization of economic, social and cultural rights. Together with other members of the Sub-Commission, he was considering the submission of a draft resolution on that matter.

The meeting rose at 1 p.m.